

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
PEDRO ADAN PUEBLA-ALBITE
Defendants.

Case No. 16-cr-0125 LHK (NC)
**ORDER AFTER DETENTION
HEARING**

Defendant Pedro Adan Puebla-Albiter appeared with his counsel Thomas J. Ferrito before this Court for a detention hearing on December 10, 2018. This order chronicles the procedural posture of the hearing and the decision of the Court not to amend the detention decision as to the defendant.

The defendant initially appeared in the Central District of California and was ordered detained by Magistrate Judge Douglas McCormick. He was then transported in custody to this District. At his second appearance in this District, Puebla-Albiter requested a bail hearing and the prosecution did not object. A bail study was prepared by pretrial services.

On the evening of Thursday December 6, the prosecution filed a motion at ECF 324 to vacate the detention hearing. The prosecution argued an interpretation of 18 U.S.C. § 3142(f) that only the judicial officer who conducted the initial detention hearing, Judge McCormick in the Central District of California, could reopen the detention hearing if new material information was presented by the defense. I was unpersuaded by the prosecution's statutory interpretation. And I was also concerned by the practical consequence of the

1 argument: either a compelled transport of the defendant back to Central California for a
2 single hearing, or a detention hearing before the trial judge. I denied the motion to vacate.

3 Next, I considered whether “information exists that was not known to the movant at
4 the time of the [initial detention] hearing and that has a material bearing on the [detention or
5 release] issue.” 18 U.S.C. § 3142(f). I determined that the defendant met this burden, based
6 on new information provided in the pretrial services report.

7 Finally, I considered the information in the pretrial services report, in Judge
8 McCormick’s detention decision, and as presented by the parties at the hearing. I
9 determined that there was no factual basis to modify the order of detention. Consequently, I
10 did not modify the order of detention issued by Judge McCormick.

11 IT IS SO ORDERED.

12 Date: December 21, 2018


13 Nathanael M. Cousins
14 United States Magistrate Judge

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